

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MICHAEL PARRELLA and ILKB, LLC,

Petitioners,

v.

THE ORANGE RABBIT, INC. and  
NICHOLAS GIACOPELLI,

Respondents.

**USDC-SDNY  
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20-CV-9923 (RA)

ORDER

THE ORANGE RABBIT, INC. and  
NICHOLAS GIACOPELLI,

Cross Claimants,

v.

MICHAEL PARRELLA, RYAN HEALY,  
SCOTT FERRARI, and ILKB, LLC,

Cross Defendants.

RONNIE ABRAMS, United States District Judge:

For the reasons discussed at the December 20, 2021 conference, the Court will direct the Clerk of Court to enter a separate judgment, notwithstanding the pending appeal. Doing so aids judicial economy and thus accords with the divestiture rule of *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56 (1982). See *United States v. Rodgers*, 101 F.3d 247, 251 (2d Cir. 1996).


Respondents' application for post-award, prejudgment interest, however, is denied, without prejudice. The Court currently lacks jurisdiction to award prejudgment interest for the period between the final arbitration award and the judgment in this case. The request for post-award, prejudgment interest was not presented to the Court in connection with the motion to confirm or the motion to vacate, and thus the September 29<sup>th</sup> Order does not explicitly award interest for the post-award, prejudgment period. To award such interest now would amount to

more than a correction of a clerical oversight, it would alter the scope of the Court's Order and the rights of the parties. *See Paddington Partners v. Bouchard*, 34 F.3d 1132, 1140 (2d Cir. 1994) (holding that where party failed to raise issue of prejudgment interest in connection with summary judgment motion, that altering judgment to add prejudgment interest was not "clerical" under Rule 60(a)).

The Court's September 29, 2021 Order confirmed the arbitral award, denied the motion to vacate, and closed the case. Accordingly, the Clerk of Court is respectfully directed to enter judgment consistent with that September 29<sup>th</sup> Order, and award \$1,184,594.53 against Michael Parrella, Ryan Healy, and ILKB, LLC.

SO ORDERED.

Dated: December 21, 2021  
New York, New York



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RONNIE ABRAMS  
United States District Judge